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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,672	10/14/2003	Richards H. Crawford	TCC / 19	3390
26875	7590	12/16/2005		
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER ROBERTSON, TIARA S	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/684,672	CRAWFORD, RICHARDS H.	
	Examiner	Art Unit	
	Tiara S. Robertson	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/10/04</u> | 6) ☐ Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 9, line 4; "attache" should be "attached".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,551,958 to Reneault et al.

Regarding claims 1-3, Reneault et al. discloses a sheathing panel comprising an insulating member (21 on fig. 2); a facing on one side of the insulating member (2 on fig. 2); and said insulating member have respective edges extending beyond and recessed within the edges on the facing (14 on fig. 2), where the extending recessed and extending edges are approximately the same thickness and where the recessed and extending edge are about one-half the thickness of the insulating member.

Regarding claim 4, Reneault et al. discloses a wall consisting of a plurality of sheathing panels (see fig. 3). The panels comprising an insulating member (21 on fig. 2), with a facing (2 on fig. 2) on one side, having respecting edge extending beyond and recessed within facing edges. Where, adjacent panels are placed with a recessed edge of one and an extended edge of another insulated member being overlapped, and the facing of two adjacent panels lying in abutting orientation with each other (see fig. 3).

3. Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,522,004 to Evans et al.

Regarding claim 10, Evans et al. discloses a sheathing panel comprising an insulating member having a thickness, two sides and a plurality of edges (10 on fig. 5); a mesh reinforced cement facing adhered to one side of the insulating member and having a plurality of edges (22 and 12 on fig. 5); one edge of the insulating member being defined by a flange comprising a portion of said thickness spaced from said facing and extending outwardly beyond the facing edge and another edge of the insulating member defined by a recess in the same portion of said thickness beneath and spaced from said facing (see fig. 3).

Regarding claim 11, Evan et al. discloses a panel as described in claim 10 where two adjacent edges of said panel are defined by extending flanges of the

insulating member and two other edges of the panel are defined by recesses beneath and spaced from said facing (see fig. 3 and Col. 2, lines 5-9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7, 12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reneault et al. in view of US 4,522,004 to Evans et al.

Regarding claims 5-7, Reneault et al. discloses a wall as described in claim 4 but does not disclose a wall where the sheathing panels are mounted on stud walls, the wall consists of wall studs and sheathing panels, and where the wall consist of a mesh layer disposed on said facings. Evans et al. discloses a wall system consisting of insulation panels with no facing mounted to wall studs and further consisting of a mesh layer disposed on the wallboards. It would have been obvious to one skilled in the art to substitute the walls boards as described by Evans et al. with the wall panel as described by Reneault et al. The motivation for such a substitution would be to provide wall panels with better insulation. Regarding claim 12,16 and 17, Evans et al. teaches a method of erecting a stud wall, with an insulating member with extensions and recesses along panel edges,

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comprising the steps of applying one sheathing member to a stud wall and applying a second sheathing panel to said stud wall adjacent one sheathing panel such that adjacent panels are placed with a recessed edge of one and an extended edge of another insulated member being overlapped. Evans et al. also teaches the method including the steps of finishing the wall by first taping the seams defined between adjacent panels with a mesh-reinforced tape (20 on fig. 5) and then applying a mesh-reinforced coating (22 on fig. 5). Evans et al. does not disclose an insulating panel with a facing. Reneault et al. discloses an insulating panel with a facing and with extensions and recesses along panel edges. It would have been obvious to one skilled in the art to substitute the wall boards as described by Evans et al. with the wall panel as described by Reneault et al. The motivation for such a substitution would be to provide wall panels with better insulation.

6. Claims 8, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reneault et al. in view of US 4,333, 286 to Weinar.

Regarding claim 8, Reneault. discloses a wall as described in claim 4 but does not disclose a plurality of clips having one leg secured to a wall stud and another leg secured to an insulating member of a panel and to a stud. Weinar discloses a wall bracket (see fig. 14 for application) used to secure wall panels to framing members, where one leg is attached to the stud member (120 on fig. 5), and another attached to the stud member and wall panel (125 on fig. 5). Therefore, it

would have been obvious to one skilled in the art to modify the wall system of Reneault et al. to include the connecting clip of Weiner (as shown in figs. 5 and 14) as a means of connecting the wall panel to the stud. One would have been motivated to make such a modification to provide additional securing means of the wall panel to the stud member.

Regarding claim 9, Reneault et al. discloses a wall as described in claim 4 but does not disclose an elongated bar having one leg secured to a wall stud and another leg secured to an insulating member of a panel and to a stud. Weiner discloses a wall bracket (see fig. 14 for application) used to secure wall panels to framing members consisting of an elongated bar (122 on fig. 5), where one leg (120 on fig. 5) is attached to the stud member, and another attached (to the stud member and wall panel (125 on fig. 5)). Therefore, it would have been obvious to one skilled in the art to modify the wall system of Reneault et al. to include the connecting clip of Weiner (as shown in figs. 5 and 14) as a means of connecting the wall panel to the stud. One would have been motivated to make such a modification to provide additional securing means of the wall panel to the stud member.

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reneault et al. in view of Evans et al as applied to claim 12 above, and further in view of US 4,333, 286 to Weiner.

Regarding claim 13, Reneault et al. in view of Evans et al. teaches the method as previously rejected in claim 12 but does not teaches the method of attaching a panel to a stud wall using a clip. Weinar teaches the method of applying a clip over a portion of an insulating member and securing one leg of the clip to the stud and securing another leg to the of said clip over the portion of insulating member to the stud wall through the insulating member (see fig. 11 and fig. 14).

Regarding claim 14, Reneault et al. in view of Evans et al. teaches the method as previously rejected in claim 12 but does not teaches the method of attaching a panel to a stud wall by overlapping the said clip with other adjacent panel and attaching other panel to the stud with another clip. Weiner teaches the method of attaching a panel to a stud wall by overlapping the said clip with other adjacent panel and attaching other panel to the stud with another clip (see fig. 12).

Therefore, it would have been obvious to one skilled in the art to modify the wall system of Reneault et al. in view of Evans et al. to include the connecting clip of Weinar (as shown in figs. 5 and 14) as a means of connecting the wall panel to the stud. One would have been motivated to make such modifications to provide additional securing means of the wall panel to the stud member.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reneault et al. in view of Evans et al as applied to claim 12 above, and further in view of US 4,719, 730 to Winkowski.

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Regarding claim 15, Reneault et al. in view of Evans et al. teaches the method as previously rejected in claim 12 but does not teaches the method of attaching a panel to a stud wall using an elongated bar. Winkowski teaches the method of attaching a panel to a stud wall by securing one leg of an elongated bar to a plurality of studs (22 on fig. 1) and another leg to a plurality of studs through a portion of said insulating member of the panel (see fig. 1). Therefore, it would have been obvious to one skilled in the art to modify the wall system of Reneault et al. in view of Evans et al. to include the connection method of Winkowski (as shown in figs. 5 and 14). One would have been motivated to make such modifications to provide additional securing means of the wall panel to the stud member.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiara S. Robertson whose telephone number is 571-272-2944. The examiner can normally be reached on Monday-Thursday, 7-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSR

TSR

11/28/2005



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